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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,544	11/21/2000	Arthur K. Farnsworth	COMP:0132/van P00-3180	1686

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EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,544

Applicant(s)

FARNSWORTH ET AL.

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a first engaging member, first securing portion, second engaging portion, a second securing portion, third engaging portion, and third securing portion.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10, 12-18 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,878,389 to Raffman.

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Raffman '389 discloses a chassis (23); an access panel (46); a latch member (90) and a catch member (74) biased to a first position on the chassis.

As concerns claims 2, the latch member includes a first engaging portion (figure 7; 91) and a first securing portion (figure 7, 90); the catch member includes a second engaging portion (figure 7; top portion of 78) and a second securing portion (figure 9; bottom portion of 77 engaging 90).

As concerns claim 3, the catch member comprises an inner portion (74) and an outer portion (87) coupled together through a hole (88) in a wall portion of the chassis.

As concerns claim 4, the first engaging portion slidingly engages the second engaging portion and displaces the catch member from the first position (figure 8).

As concerns claim 5, at the closed position the first and second engaging portions are no longer in sliding engagement and the catch member is biased back to the first position (figure 9).

As concerns claim 6, the second securing portion is disposed over the first securing portion when the catch member is in the first position (figure 9).

As concerns claims 7 and 18, the first and second securing portions are flat (figure 7).

As concerns claims 8 and 17, the first and second engaging portions are angled (figure 7).

As concerns claim 9, the latch member is released from the catch member by displacing the catch member (when 74 is moved to the left in figure 9 the latch member will be released).

As concerns claim 10, the catch member is spring biased (83).

As concerns claim 12, the first and second engaging portions are configured for sliding engagement (figures 7 and 8).

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As concerns claim 13, the first and second securing portions are configured for abutment (figure 8).

As concerns claim 14, the access panel (46) is pivoted about a first end to dispose the access panel on the chassis (figure 3; pivoted with hinges 50).

As concerns claim 15, a spring (94) to bias the access panel to an open position (column 5, lines 35-42).

As concerns claim 16, a first surface (77; top surface) configured for sliding engagement with the latch; a second surface (figure 9; surface below 77) configured to restrict movement of the latch.

As concerns claim 20, pivoting a first end of the access panel towards a closed position (figure 7); displacing the catch member from the first position with the latch member (figure 8); disposing the access panel in the closed position on the chassis, wherein the moveable catch member is no longer displaced by the latch member and is biased back to the first position (figure 9).

As concerns claim 21, providing a biasing element to bias the access panel towards an open position on the chassis (94).

As concerns claim 22, wherein providing includes displacing the access panel by the biasing element to an open position on the chassis when the movable catch member is moved to a second position on the chassis, thereby releasing the latch member (column 5, lines 35-42).

As concerns claim 23, configuring the latch member and movable catch member for sliding engagement as the access panel is pivoted towards the closed position (figure 8).

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As concerns claim 24, configuring the latch member and movable catch member for abutment when the moveable catch member is biased back to the first position (figure 9).

4. Claims 1-10, 12-14, 16-18, 20, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,068,307 to Murphy.

Murphy '307 discloses a chassis (306); an access panel (302); a latch member (310); a catch member (319) biased to a first position on the chassis (figure 11).

As concerns claims 2, the latch member includes a first engaging portion (angled portion on 311) and a first securing portion (flat portion on 311 above angled portion); the catch member includes a second engaging portion (angled portion on 318) and a second securing portion (figure 11; shoulder portion directly below angled portion).

As concerns claim 3, the catch member comprises an inner portion (figure 11; portion of 318 to the right of the outer portion) and an outer portion (figure 11; leftmost wall of 318) coupled together through a hole (figure 11; hole in 306 for 319) in a wall portion of the chassis.

As concerns claim 4, the first engaging portion slidably engages the second engaging portion and displaces the catch member from the first position (column 8, lines 57-59).

As concerns claim 5, at the closed position the first and second engaging portions are no longer in sliding engagement and the catch member is biased back to the first position (column 8, lines 59-67).

As concerns claim 6, the second securing portion is disposed over the first securing portion when the catch member is in the first position (figure 11).

As concerns claims 7 and 18, the first and second securing portions are flat (figure 11).

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As concerns claims 8 and 17, the first and second engaging portions are angled (figure 11).

As concerns claim 9, the latch member is released from the catch member by displacing the catch member (when 318 is moved to the right in figure 11 latch 310 can be released).

As concerns claim 10, the catch member is spring biased (326).

As concerns claim 12, the first and second engaging portions are configured for sliding engagement (angled portions of 311 and 321 are configured for sliding engagement).

As concerns claim 13, the first and second securing portions are configured for abutment (column 8, lines 56-59).

As concerns claim 14, the access panel is pivoted about a first end to dispose the access panel on the chassis (figure 10; access panel 302 can be pivoted with respect to the chassis 306).

As concerns claim 16, a first surface (321) configured for sliding engagement with the latch; a second surface (figure 11; shoulder surface directly below angled surface 321) configured to restrict movement of the latch.

As concerns claim 20, pivoting a first end of the access panel towards a closed position; displacing the catch member from the first position with the latch member; disposing the access panel in the closed position on the chassis, wherein the moveable catch member is no longer displaced by the latch member and is biased back to the first position (column 1, line 66-column 2, line 7).

As concerns claim 23, configuring the latch member and movable catch member for sliding engagement as the access panel is pivoted towards the closed position (angled portions of 311 and 321 are configured for sliding engagement).

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As concerns claim 24, configuring the latch member and movable catch member for abutment when the moveable catch member is biased back to the first position (column 8, lines 57-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,878,389 to Raffman.

Raffman '389 does not explicitly disclose third engaging/third surface portion and securing portion/fourth portion symmetrical with the second engaging and securing portions. However, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide third engaging/third surface portion and securing/fourth surface portion symmetrical with the second engaging and securing portions.

7. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,068,307 to Murphy.

Murphy '307 does not explicitly disclose third engaging/third surface portion and securing portion/fourth portion symmetrical with the second engaging and securing portions. However, it has been held that mere duplication of the essential working parts of a device

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involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide third engaging/third surface portion and securing/fourth surface portion symmetrical with the second engaging and securing portions.

8. Claims 15, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,068,307 to Murphy in view of U.S. Patent No. 2,878,389 to Raffman.

Murphy '307 does not explicitly teach a spring to bias the panel to an open position, when the catch member is moved to a position releasing the latch member.

Raffman '389 teaches a spring (94) to bias the access panel to an open position (column 5, lines 35-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Murphy '307 with springs, as taught by Raffman '389, in order to provide a means of raising the access panel when unlatched in order to make it easier for the user to grasp the panel and move it into an open position.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.



Anthony Knight

**Supervisory Patent Examiner
Technology Center 3670**

JW

July 11, 2002